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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/153,577 09/15/98 ZIGMOND

D 3382-50875/S

EXAMINER

TM02/0828

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PEYTON, T

ART UNIT

PAPER NUMBER

2182

DATE MAILED:

08/28/01

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
09/153,577

Applicant(s)  
ZIGMOND ET AL.

Examiner  
Tammara Peyton

Art Unit  
2182



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 27, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-34 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 11-16, 21, 22, 24-28, and 30-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This Office Action is in response to Amendment D, N.E. filed on 07/27/01. Claims 6, 7, 11-16, 21, 22, 24-28, and 30-34 are pending for application 09/153,577 filed on 09/15/98.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 11-16, 21, 22, 24-28, and 30-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kaplan*, patent number 6,058,430, and *Maa* patent number 5,818,935 in further view of *Crawford*, patent number 5,771,354.

5. As per claims 6, 27, and 28, *Kaplan* teaches of a method of operating a screen to transition between display of a television signals [via television receiver, 10, Fig. 1] and display of auxiliary data from an auxiliary data network [Internet subsystem, 12, Fig. 1] that delivers data apart from the television signal [Fig. 1], comprising:

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displaying a television signal; [*Kaplan*, col. 3, lines 66 - col. 4, lines 1-10]

in response to link data conveyed with the television signal, displaying with the displayed television signal an icon, said icon indicating the availability of associated auxiliary data from the auxiliary data network; and [col. 4, lines 66 - col. 5, lines 1-9]

responsive to a signal from a viewer during the displaying the icon, cause the display of the auxiliary data associated with the icon. [*Kaplan*, col. 5, lines 15 - col. 6, lines 1-20]

6. *Kaplan* teaches of a graphic display controller, 46 display a connecting symbol or message on the television screen when the user selects the received icon. *Kaplan* does not clearly teach of a two step process wherein a graphical control panel overrides the user's television screen and if the user indicates a continued interest in the auxiliary data then the system proceeds to the Internet.

7. *Maa* also teaches of a WEB TV system utilizing a method of operating a screen to transition between display of a television signals and display of auxiliary data from an auxiliary data network that incorporates a two step user control panel process. Specifically, *Maa* discloses superimposing over a television screen a two-dimensional menu of text messages related to URLs received through an television signal. [*Maa*, col. 3, lines 48-55, and col. 6, lines 7-29, 47-52] Nonetheless, *Maa* does not teaches of a two step user control panel process asking the user before connecting to the Internet.

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10. Nonetheless, *Crawford* teaches of a system connected to a network via a television cable link [col. 16, lines 57-65] that utilizes a method of a two step user control panel process asking an user via a pop-up message if the user wants to continue a process. If the user indicates a continued interest then for a fee the system proceeds to the Internet in order to gather information else the user cancels the process to connect to the Internet and is not charged a fee. [*Crawford*, Note Abstract, col. 25, lines 18- col. 28, lines 1-36] *Crawford* system teaches of a further embodiment of a computer connecting to a network via a television cable link therefore it would have been obvious that the computer may receive television/cable signals as it relates to a specific process.

8. It would have been obvious to implement the two step control panel design of *Maa* with *Crawford's* method of first asking if the user wants to continue for a fee a process and if the user indicates a continued interest then the system proceeds to the Internet, the motivation would have been to provide a easy-to-use user interface design informing the user before connecting to the Internet. [*Maa*, col. 3, lines 53-55]

9. It would have been obvious for one of ordinary skill to realize the systems of *Kaplan* and *Maa* draws to the same conclusion of displaying an icon associated with the current program, wherein if the icon is selected, display information related to said program. Therefore, the specific implementation logic of a two step process, as taught by *Maa-Crawford*, offering an

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easy-to-use user interface design that determines if the user wants to proceed to the Internet in order to gather more information for a fee [*Crawford*] about a television program [*Maa*] could be implemented in *Kaplan's* graphic display controller, 46 that displays a connecting symbol graphic or message on the television screen when the user selects the received icon, would have been obvious. The motivation would have been to add to *Kaplan's* system flexibility by giving the user an easy-to-use interface for determining whether the system should proceed to the Internet. [*Crawford*, col. 28, lines 1-36]

10. As per claims 7, 11, 12, 33, and 34, *Kaplan* teaches of receiving and showing an icon at a predetermined time as it relates to a specific program obvious on a specific channel, it would have been obvious that after that specific program has finish that particular icon related to the show is removed from the screen. Further, it would have been obvious that the icon would only appear for a limited amount of times during the broadcast in order to not inhibit the viewer's program and *Kaplan* would also teach a code to implement the method.

11. As per claim 13-16, 21, 22, 24, and 30, *Kaplan* combined with *Smith* and *Maa* discloses a method of the claim invention. Specifically, the *Maa-Crawford* system discloses of a two step process wherein the user is given options to neither (1) continuing to watch a television program or (2) proceeding to the Internet to retrieve the received URL. It would have been obvious that both option resolve in the ending of the control panel. [See above paragraphs]

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12. As per claims 25 and 26, *Maa* discloses of checking to see if the received URL and television signal can be identified by the system's memory and recalling at least part of the memory for displaying to the screen. [ *Maa*, Fig. 3]

13. As per claims 31 and 32, it would have been obvious that the icon is translucent in order to not inhibit the viewer's program during the broadcast. Further, it is a well known technique to change the luminance of a control panel especially for WEB TV compliance systems.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 8:00 - 4:30 from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee, can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

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Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

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Faxes for formal communications intended for entry should be sent to:

(703) 308-9051,

or, for informal or draft communications, to:

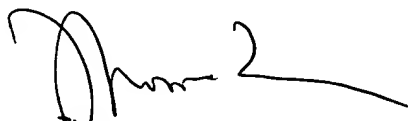
(703) 306-5404 (please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Tammara Peyton

August 22, 2001

  
THOMAS LEE  
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TECHNOLOGY CENTER 2100